

COMMUNICATION IS KEY

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My two previous articles dealt with the importance of effective intake procedures in creating the foundation for a good working relationship with your client. In this article I deal with the importance of communication in managing your risk.

Our statistics indicate that poor communication with clients and with others, a failure to confirm or follow instructions, and disputed instructions are major causes for negligence claims in all areas of law.

It is important to communicate effectively with your client from the outset. Take the time to explain, in detail, how the legal process works, what you can expect, and how you will communicate as the matter progresses. Discuss your billing procedures and your expectation for prompt payment. Do this verbally, and in writing. By having this information in writing, your client can review it as often as need be, and at times when s/he is less stressed than in your office.

At the commencement of your retainer provide your client with a file or binder and suggestions on how to organize it. Advise your client that you will be copying them with everything you generate or receive, and that this is where this documentation should be kept. This will enable your client to see, at a glance, the progress in the case, and will likely reduce the number of calls you receive to send out duplicate copies of documentation the client has lost or misplaced.

Keep your client informed of the progress in her case, and only take action with the express consent of your client. Have letters and pleadings approved, in writing, by your client before they are filed or forwarded to others. Keep this approval on file.

Know who your client is. Is it the parent or the adult child? If it is the parent, take your instructions only from the parent, not the child on behalf of the parent.

Do not make decisions on a case without your client's consent and without explaining to your client the alternatives available and the possible consequences of the alternatives. Satisfy yourself that your client understands what you've told her and give her time to think before making her decision.

When preparing for a settlement conference, prepare the client well in advance. Discuss the format of the conference, as well as the various scenarios that you anticipate, so that the client is not overwhelmed by the process. Explain the binding nature of an agreement made at a settlement conference. If your client is one who wants to discuss proposals with a family member or advisor, make sure this person is available (by phone or in person) when the settlement conference is conducted.

Do not make a decision for a client. Give her the alternatives but make it clear in your discussions with her that the decision is hers to make.

Always remember the importance of good client relations in minimizing your claims risk. Communicate in your actions that your client is important to you. Be on time for your appointments. Do not allow interruptions when you are meeting with a client. Respond promptly to client inquiries. Be prepared. Be courteous to both your client as well as to those you deal with on your client's behalf. Be sure that your staff does the same. A client who likes you is much less likely to file an errors or omissions claim against you.

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